

## Message Text

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ORIGIN EUR-12

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DRAFTED BY EUR/SOV:JATREICHEL:BG

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EB - RJOHE (SUBS)

C - WSHINN

COAST GUARD - ABLANTON

US CUSTOMS - JTEBEAU

L/EUR - HRUSSELL

S/S-O:JHOGANSON

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O 210232Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

INFO COMCOGARD IMMEDIATE

COMMISSIONER CUSTOMS IMMEDIATE

C O N F I D E N T I A L STATE 014667

E.O. 11652: GDS

TAGS: PFOR, UR, US

SUBJECT: SOVIET TRAWLER OFF ALASKA

REF: MOSCOW 773

COAST GUARD FOR CAPTAIN KNAPP, OPERATIONS

CUSTOMS FOR JOHN TEBEAU

1. SOVIET STERN TRAWLER, SAMARGO, WHICH HAD BEEN AGROUND  
ON KAYAK ISLAND OFF ALASKA, FLOATED FREE ON HIGH TIDE  
JANUARY 17. SAMARGO WAS TOWED OUT OF US TERRITORIAL  
WATERS BY ONE OF TWO SOVIET VESSELS WHICH HAD MAINTAINED  
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STABILIZING LINES TO THE SHIP WITH OUR PERMISSION. TWO

VESSELS WHICH HAD BEEN IN US WATERS WITH LINES TO SAMARGO HAVE BEEN REQUESTED TO REPORT THEIR PRESENCE TO NEAREST CUSTOMS PORT (PROBABLY KODIAK). IN LIGHT OF COOPERATIVE USG APPROACH TO HANDLING OF SAMARGO INCIDENT TO DATE, REQUEST EMBASSY URGE MFA THAT TWO VESSELS COMPLY WITH THIS REQUIREMENT AS SOON AS IS PRACTICABLE. REQUIREMENT TO REPORT ENTRY IS APPLIED TO ALL FOREIGN-FLAG VESSELS WHICH ENTER US WATERS AND IS REQUIRED UNDER 19 USC 1433, 1435,

1441, 1436, 1447. PENALTY FOR FAILURE TO REPORT ENTRY MAY INCLUDE SEIZURE OF VESSEL (19 USC 1585).

2. EMBASSY SHOULD CONVEY TO FEDOSEYEV FOLLOWING EXPLANATION OF OUR ACTIONS IN TREATMENT OF SAMARGO.

(A) IN FACE OF STRONG PRESSURE FROM US SALVAGE COMPANIES, GOVERNOR OF ALASKA, AND CONGRESS TO ENFORCE RIGOROUSLY 46 USC 316 (D) WHICH PROHIBITS SALVAGE ACTIVITIES BY FOREIGN VESSELS IN US WATERS, USG TOOK EXTRAORDINARY STEP OF ALLOWING TWO SOVIET FISHING VESSELS TO REMAIN IN OUR WATERS WITH LINES TO THE SAMARGO. THIS WAS DONE TO STABILIZE THE SAMARGO IN ITS POSITION UNTIL THE SOVIETS COULD ARRANGE FOR US SALVAGE COMPANY TO BEGIN WORK ON IT. (B) AFTER CREW ON BOARD SAMARGO HAD BEEN REDUCED TO THREE (INCLUDING MASTER) SOVIETS REQUESTED THAT ADDITIONAL SOVIET PERSONNEL BE ADDED. IN THE INTEREST OF HAVING ENOUGH CREW ON BOARD TO HELP WITH SALVAGE, COAST GUARD SCENE COORDINATOR AUTHORIZED ADDING 8-10 MEN TO SKELETON CREW.

(C) IN ANSWER TO SOVIET COMPLAINTS ABOUT SMALL AMOUNT OF FUEL LEFT ON SAMARGO JANUARY 10, SOVIETS WERE INFORMED THAT 1000 GALLONS OF USABLE FUEL WERE IN SAMARGO'S TANKS AND THAT ADDITIONAL FUEL COULD BE ADDED, IF NEEDED, LATER. ON SCENE COORDINATOR WISHED TO KEEP FUEL AT LOW LEVEL TO AVOID POLLUTION DANGER.

(D) IN EFFORT TO ASSIST SOVIETS IN CONCLUDING SALVAGE CONTRACT, COAST GUARD PROVIDED SOVIETS ON SCENE WITH ACCESS TO TELEPHONE PATCHING SYSTEM FROM COAST GUARD VESSEL, CONFIDENCE, THUS ENABLING SOVIET FLEET COMMANDER TO BE IN FREQUENT CONTACT WITH SOVIET EMBASSY IN WASHINGTON, AS WELL AS WITH SOVIET AGENT SEATTLE. THROUGHOUT INCIDENT

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COAST GUARD HAS REMAINED IN CLOSE TOUCH WITH SOVIET FLEET COMMANDER AND MASTER OF SAMARGO.

3. IN RESPONSE TO THESE ACTIONS, SOVIETS PUT OFF CONCLUDING CONTRACT WITH AMERICAN SALVAGE FIRM, APPARENTLY IN HOPE THAT US WOULD CHANGE ITS POSITION ON FOREIGN SALVAGE OR THAT SAMARGO WOULD FLOAT FREE ON HIGH TIDE. SOVIET EMBASSY WAS GIVEN COPY OF US LAW JANUARY 8 AND WAS TOLD

THAT IF THEY WISHED TO SEEK A WAIVER UNDER 46 USC 316 (D) THEY WOULD HAVE TO APPLY TO THE COMMISSIONER OF CUSTOMS. (THE SOVIETS WERE ALSO GIVEN COPIES OF SECTION XI (3) OF THE US MEMORANDUM ON PORT PROCEDURES ATTACHED TO THE 1972 US-USSR MARITIME AGREEMENT AND THE SAME SECTION OF THE SOVIET PORT MEMORANDUM, BOTH OF WHICH STATE THAT SALVAGE BY FOREIGN VESSELS IN THE RESPECTIVE TERRITORIAL WATERS IS PROHIBITED.) SOVIETS, HOWEVER, DID NOT PURSUE MATTER WITH CUSTOMS, BUT INSTEAD MADE PRELIMINARY CONTACT WITH US SALVAGE FIRMS. IT WAS NOT UNTIL A WEEK LATER, FOLLOWING REITERATIONS OF US POSITION ON FOREIGN SALVAGE BY DAS ARMITAGE AND SOV DIRECTOR GARRISON THAT SOVIETS SENT REPRESENTATIVE TO WEST COAST WITH POWER TO NEGOTIATE SALVAGE CONTRACT.

4. VIEWED IN THIS CONTEXT, FEDOSEYEV'S ATTITUDE IS PUZZLING TO US, SINCE IT SUGGESTS A MISREADING OF USG POSITION ON SAMARGO. US ACTIONS IN SAMARGO CASE WERE AIMED AT SAVING A VESSEL IN DISTRESS AND PROVIDING FOR ITS SALVAGE IN ACCORDANCE WITH US LAW, TAKING INTO ACCOUNT PREEMINENT FACT THAT SAMARGO WAS IN US TERRITORIAL WATERS. TO ACCOMPLISH THESE ENDS, USG TOOK EXTRAORDINARY STEP OF ALLOWING TWO SOVIET VESSELS TO REMAIN IN US WATERS WITH LINES TO THE SAMARGO AND OTHERWISE SOUGHT TO MEET SOVIETS MORE THAN HALFWAY IN RESOLVING PROBLEM.

5. OUR EFFORTS IN THIS REGARD WERE MET BY DELAYING TACTICS ON THE SOVIET SIDE WHICH HAVE COME TO THE ATTENTION OF THE GOVERNOR OF ALASKA, SEVERAL SENATORS INCLUDING SENATOR JACKSON, AND US SALVAGE FIRMS. IT SHOULD BE MADE CLEAR TO FEDOSEYEV THAT IN FUTURE THE USG WILL ENFORCE FULLY THE LAWS RELATING TO THE ACTIVITIES OF VESSELS IN ITS TERRITORIAL WATERS. BECAUSE OF THE ATTENTION FOCUSED

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ON THE SAMARGO CASE, IT WILL BE MORE DIFFICULT FOR US TO DEAL FLEXIBLY WITH FUTURE PROBLEMS OF THIS KIND. SISCO

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## Message Attributes

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